

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
v.                             )      **Case No. 1:17CR55**  
                                )  
                                )      **Hon. Anthony J. Trenga**  
**ZIA ZAFAR,**                 )      **Hearing Date: May 5, 2017**  
                                )  
                                )  
Defendant.                     )

**DEFENDANT'S NON-CONFIDENTIAL MEMORANDUM**  
**IN SUPPORT OF HIS MOTION TO SEAL**

The defendant, Zia Zafar, by counsel and pursuant to Local Criminal Rule 49(E), asks for an Order sealing the document attached to his Motion to Seal.

I.     Items to be Sealed and Necessity for Sealing

A.     The defendant asks the Court to seal the document entitled "Defendant's Motion Pursuant to 18 U.S.C. § 4241(d)" filed with the Court today.

B.     Sealing is necessary in order to safeguard the safety and privacy of the defendant. Counsel for the defendant has considered procedures other than sealing and none will suffice to protect this information from disclosure and to prevent public dissemination of information concerning Mr. Webster's mental health.

II.    Previous Court Decisions Which Concern Sealing Documents

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). "The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's

right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

III. Period of Time to Have the Document Under Seal

A. The materials to be filed under seal would need to remain sealed permanently or until unsealed by the Court.

Accordingly, the defendant respectfully requests that an Order be entered allowing “Defendant’s Motion Pursuant to 18 U.S.C. § 4241(d)” to be placed Under Seal. An appropriate Order is attached.

Respectfully submitted,  
ZIA ZAFAR  
By Counsel,  
Jeremy C. Kamens,  
Federal Public Defender

By: \_\_\_\_\_ /s/  
Whitney E.C. Minter  
Va. Bar # 47193  
Assistant Federal Public Defender  
Attorney for Zia Zafar  
1650 King Street, Suite 500  
Alexandria, Virginia 22314  
(703) 600-0855 (telephone)  
(703) 600-0880 (facsimile)  
Whitney\_Minter@fd.org (email)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2017, I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

William Sloan, Esq.  
Assistant United States Attorney  
Jamie Perry, Esq.  
Trial Attorney, Department of Justice  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
(703) 299-3700  
[william.sloan2@usdoj.gov](mailto:wiliam.sloan2@usdoj.gov)

Pursuant to the Electronic Case Filing Policies and Procedures, a courtesy copy of the foregoing pleading will be delivered to Chambers within one business day of the electronic filing.

By: \_\_\_\_\_ /s/  
Whitney E.C. Minter  
Virginia Bar Number 47193  
Attorney for Zia Zafar  
Assistant Federal Public Defender  
1650 King Street, Suite 500  
Alexandria, Virginia 22314  
(703) 600-0855 (telephone)  
(703) 600-0880 (facsimile)  
[Whitney\\_Minter@fd.org](mailto:Whitney_Minter@fd.org) (electronic mail)